IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1703 OF 2007

The State of Maharashtra.... .....
Petitioner
V/s
Shri Nilesh B. Waghmare..... ..... Respondent.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.D.A.Patil, AGP for the petitioner.

CORAM: A.P. DESHPANDE, J.
12.3.2007

PC:

The petitioner questions the correctness of the award passed by the 3rd Labour Court, Pune dated 3.1.2007 whereby termination of the respondent has been stayed and he has been directed to be reinstated with 25% of the back wages and continuity of service. The respondent had produced relevant documents on record and led oral evidence. The petitioner chose not to

lead any evidence. On the basis of material and evidence on record the Labour Court has reached a finding that the respondent was in service from July, 1992 to April, 1999 and has worked either as watchman, Peon or gardener. The learned counsel for the petitioner does not dispute that without compliance of provisions of section 25F the respondent was terminated from service. The learned counsel for the petitioner candidly submits that though it was denied in the written statement by the petitioner that the respondent has not completed 240 days of service preceding the termination, it has not led any evidence. Pleading in the written statement by themselves do not establish a fact. Acting on the evidence which is available on record the Labour Court has allowed the complaint. Perused the impugned order. No interference is called for. Writ petition is summarily dismissed.

12.3.07.